

**REMARKS**

1. Amendments to Claims

Claim 39 has been amended to correct an antecedence error, by changing “said address, service, or content” to –said –website–.

2. Rejection Under 35 USC §112, 2<sup>nd</sup> Paragraph

This rejection is respectfully traversed on the grounds that the objected-to language (“preventing access to said desired address, service, or content. . .”) was deleted in the previous response and is not longer present in claim 1.

3. Rejections of Claims 1, 2, and 5-49 Under 35 USC §103(a)

These rejections, which are all based on the Hamzy patent’s teaching of blocking access to a website that the user requested is respectfully traversed on the grounds that the Applicant invented the claimed subject matter before the effective date of the Hamzy patent, as evidenced by the attached **Declaration of Prior Invention Under 37 CFR §1.131**, and the attached documents offered as evidence of both conception and diligence in support of the declaration.

Initially, it is noted that the Hamzy patent is the *only* reference of record that discloses the concept of blocking access to a website requested by the user. The Auxier patent not only “*does not explicitly disclose preventing access to said website, and continuing to prevent said access to said website so long as the user fails to submit the appropriate reply,*” it **does not implicitly disclose, or even have anything to do with**, such blocking. To the contrary, Auxier is directed to an interactive banner advertisement that pops up when a user requests a website, and that sends the user to a **third party website (rather than the requested website)** when the user interacts with the advertisement. The user of Auxier’s system is free to access the requested website by simply not responding to the advertisement, and therefore cannot possibly be said to be blocked by the advertisement in the manner claimed. The remaining patents applied in the

Official Action, all of which have been discussed in previous responses, also do not even remotely suggest the claimed blocking.

According to the attached Declaration, the inventor conceived of the claimed invention, including the access blocking feature allegedly taught by Hamzy, on or before December 13, 1999. This is evidenced by a description of the invention sent to the inventor's Greek attorney on December 13, 1999, which is before the effective filing date of the Hamzy patent, January 31, 2000. The description clearly mentions blocking access, for example in the last paragraph on page 3: "*In all cases, one fundamental difference with the present models is that unless the user acts back in such a way as to satisfy the advertiser (give an accurate answer, perform a task correctly) the interaction will be complete. For as long as that the interaction remains incomplete, access to the content/service will be blocked.*" This passage clearly describes the claimed invention.

It is noted that the inventor's Exhibits A (dated copy) and A1 (clean copy) were submitted to the Greek attorney in English, as is customary in Greece, for the purpose of establishing an international conception date. The inventor is fluent in English, having attended university in the United States. Exhibit B is a copy of a letter acknowledging receipt of the disclosure.

Exhibits C-E are submitted as evidence of diligence. It is noted that, during the period between the reference date (January 31, 2000) and the filing of this application (December 22, 2000), the inventor was completing graduate school in France, searching for employment in Greece, learning about U.S. patent practice, and seeking a U.S. patent attorney to prepare a U.S. patent application for the invention. Exhibits C-E show that the inventor continued to refine his invention during this period of between 10 and 11 months. Such activity clearly falls within the meaning of "diligence" to filing of the application (constructive reduction to practice), as required by 37 CFR §1.131.

Serial Number 09/742,438

Because the Hamzy patent has been overcome by a showing of earlier conception and diligence to filing of the application (constructive reduction to practice), it is respectfully submitted that each of the rejections under 35 USC §103(a) should be withdrawn and the application expeditiously passed to issue.

Respectfully submitted,

BACON & THOMAS, PLLC



By: BENJAMIN E. URCIA  
Registration No. 33,805

Date: March 8, 2006

BACON & THOMAS, PLLC  
625 Slaters Lane, 4th Floor  
Alexandria, Virginia 22314

Telephone: (703) 683-0500

NWB:S:\ProducedOn03/08/2006 11:54:40 AM by PKV\KONTOCOURIS74243Rev05.wpd